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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
10/652,036	09/02/2003	Yasuhiro Kakiuchi	03153 CONT	1552
23338	7590	11/03/2004		EXAMINER
DENNISON, SCHULTZ, DOUGHERTY & MACDONALD 1727 KING STREET SUITE 105 ALEXANDRIA, VA 22314			PAYER, HWEI SIU CHOU	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/652,036	KAKIUCHI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Hwei-Siu C. Payer	3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 82-101 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 82-101 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. 09/855,019.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## Detailed Action

### Claims Rejection - Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 82-86, 89, 91-93 and 95-100 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8, 12-31, 34-44, 47-60, 63-67 and 70-80 of U.S. Patent No. 6,612,039. Although the conflicting claims are not identical, they are not patentably distinct from each other because they recite substantially the same invention but with the claims of this instant application having a broader scope.

3. Claims 87, 88, 90, 94 and 101 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8, 12-31, 34-44, 47-60, 63-67 and 70-80 of U.S. Patent No. 6,612,039 in view of Brantschen et al. (GB Patent No. 2 338 205).

The claims of the '039 patent claim the claimed invention except means for ejecting the saw blade from the blade slot is lacking.

Brantschen teaches it is desirable to provide a blade mounting device with means for ejecting a saw blade when the blade mounting device is in a blade release position.

It would have been obvious to one skilled in the art to modify the claims of the '039 reference by including means in the blade mounting device for ejecting the saw blade to facilitate a quick releasing of the saw blade as taught by Brantschen et al.

#### **Claims Rejection - 35 U.S.C. 102(b)**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 89, 90, 92-94, 96, 97, 99 and 100 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Brantschen et al. (GB Patent No. 2 338 205).

#### **Claims Rejection - 35 U.S.C. 103(a)**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 82-84, 89, 91-93, 95-97, 99 and 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marinkovich et al. (U.S. Patent No. 6,209,208) in view of Brantschen et al. (GB Patent No. 2 338,205).

Marinkovich et al. disclose a blade mounting device (see Fig.3) substantially as claimed except it lacks means for locking the blade mounting device in a blade release position.

Brantschen teaches it is desirable to provide a blade mounting device with means for holding the blade mounting device in a blade open position until a new blade is introduced.

It would have been obvious to one skilled in the art to modify Marinkovich et al. by providing the blade mounting device with means for locking/holding the blade mounting device in its open position (i.e. a blade release position) so that the blade mounting device is ready accessible for receiving a new blade as taught by Brantschen.

3. Claim 87 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marinkovich et al. (U.S. Patent No. 6,209,208) in view of Brantschen et al. (GB Patent No. 2 338,205).

Marinkovich et al. disclose a blade mounting device (see Fig.3) substantially as claimed except it lacks means for ejecting the saw blade (24) from the blade slot (52).

Brantschen teaches it is desirable to provide a blade mounting device with means for ejecting a saw blade when the blade mounting device is in a blade release position.

It would have been obvious to one skilled in the art to modify Marinkovich et al. by providing the blade mounting device with means for ejecting the saw blade (24) to facilitate a quick releasing of the saw blade as taught by Brantschen et al.

4. Claims 90, 94 and 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marinkovich et al. (U.S. Patent No. 6,209,208) in view of Brantschen (GB Patent No. 2 338 205).

Marinkovich et al. disclose a blade mounting device (see Fig.3) substantially as claimed except it lacks means for locking the blade mounting device in a blade release position, and it also lacks means for ejecting the saw blade (24) from the blade slot (52).

Brantschen teaches it is desirable to provide a blade mounting device with means for holding the blade mounting device in a blade open position until a new blade is introduced, and to provide a blade mounting device with means for ejecting a saw blade when the blade mounting device is in a blade release position.

It would have been obvious to one skilled in the art to modify Marinkovich et al. by providing the blade mounting device with means for locking/holding the blade mounting device in its open position (i.e. a blade release position) and by providing means for ejecting the saw blade so that the blade mounting device is ready accessible for receiving a new blade, and the saw blade is quickly released from the mounting device upon unlocking the blade, respectively, as taught by Brantschen.

### Prior Art Citations

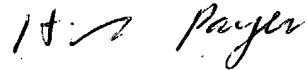
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hedrick, Palm, Hoffman and Ortmann are cited as art of interest.

### Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 703-308-1405. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for official communications and 703-746-3293 for proposed amendments.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



H Payer  
October 29, 2004

Hwei-Siu Payer  
Primary Examiner